APPENDIX 1

Copy of "Electric Power Association Act" of Mississippi (Chapter 184, Mississippi Laws of 1936, as amended; Section 5463, et seq., Volume 4A. Recompiled, Mississippi Code of 1942)

§ 5463. Short title.

This Act may be cited as the "Electric Power Association Act."

§ 5464. Formation authorized.

Three or more natural persons may, by executing, filing and recording a certificate as hereinafter provided, form a corporation not organized for pecuniary profit for the purpose of promoting and encouraging the fullest possible use of electric energy by making electric energy available at the lowest cost consistent with sound economy and prudent management of the business of such corporations.

§ 5465. Definitions.

The following terms whenever used or referred to in this Act shall have the following meanings, unless a different meaning clearly appears from the context:

(1) "Corporation" shall mean a corporation formed under this Act.

(2) "Bonds" shall mean and include bonds, interim certificates or receipts, notes, debentures and all other evidences of indebtedness, either issued or the payment thereof assumed by the corporation.

(3) "Person" shall mean and include natural persons, firms, associations, corporations, business trusts, partnerships and bodies politic.

(4) "Energy" shall mean and include any and all electric energy no matter how or where generated or produced.

(5) "Acquire" shall mean and include construct, acquire by purchase, lease, devise, gift, or other mode of acquisition.

(6) "System" shall mean and include any plant, works, system, facilities, or properties, or parts thereof, together with all appurtenances thereto, used or useful in connection with the generation, production, transmission or distribution of energy.

(7) "Law" shall mean any Act or Statute, general, special or local of this State.

(8) "Federal agency" shall mean and include the United States of America, the President of the United States of America, Tennessee Valley Authority, the Federal Emergency Administrator of Public Works, the Administrator of the Rural Electrification Administration, and any and all other authorities, agencies and instrumentalities of the United States of America, heretofore or hereafter created.

(9) "Improve" shall mean and include construct, reconstruct, improve, replace, extend, enlarge, alter, better or repair.

(10) "Board" shall mean the board of directors of a corporation formed under this Act.

(11) "Member" shall mean and include each natural person signing the certificate of incorporation of a corporation and each person admitted to membership therein pursuant to law or its by-laws.

(12) "Services" or "service" shall mean the sale or other disposition of energy, electrical appliances, wiring

and equipment at the lowest cost consistent with sound economy, public advantage and the prudent conduct of the business of a corporation.

§ 5466. Certificate of incorporation.

The certificate of incorporation shall state:

(1) The name of the corporation, which name shall include the words "electric power association" and shall be such as to distinguish it from any other corporation organized and existing under the laws of this State.

(2) The location of its principal office and the post-office address thereof.

(3) The maximum number of directors, not less than three.

(4) The names and post-office addresses of the directors who are to manage the affairs of the corporation for the first year of its existence, or until their successors are chosen.

(5) The period of the duration of the corporation, which shall not exceed ninety-nine (99) years.

(6) The terms and conditions upon which persons shall be admitted to membership in the corporation.

The certificate of incorporation may also contain any provisions not contrary to law which the incorporators may choose to insert for the regulation of its business and for the conduct of the affairs of the corporation; and any provisions creating, defining, limiting or regulating the powers of the corporation, its directors and members.

§ 5467. Prohibition on use of words "electric power association."

The words "electric power association" shall not be used in the corporate name of corporations hereafter formed other than those formed pursuant to the provisions of this Act.

§ 5468. Execution and filing of certificate of incorporation.

The natural persons executing the certificate of incorporation shall be residents of the territory in which the principal operations of the corporation are to be conducted, who are desirous of using electric energy to be furnished by the corporation. The certificate of incorporation shall be acknowledged by the subscribers before any officer authorized to take acknowledgments to deeds or other instruments. When so acknowledged, the certificates may be filed with the Secretary of State at any time thereafter within six months of the date of the last acknowledgment. The Secretary of State, upon receipt of such instrument, shall indorse upon it the following:

"Received at the office of the Secretary of State this the ..... day of ....., A.D. ..... together with the sum of $..... deposited to cover the recording fee, and referred to the Attorney-General for his opinion.

Signed .....
Secretary of State"

The Attorney-General shall examine the same and indorse his opinion thereon as follows:

"I have examined this charter of incorporation and am of the opinion that it . . . the Constitution and Laws of this State, or of the United States.

Signed .....
Attorney-General"

The Attorney-General shall without delay refer the same to the Governor for his approval or disapproval. The Governor shall return it to the Secretary of State with his action indorsed thereon. If he approves it, the Secretary of State shall record it in the record kept in his office for that purpose, and certify to the same under the great seal of this State, and transmit it to the applicants; if the Governor disapproves it, the Secretary of State shall file it in his office and notify the applicants of the disapproval and state the reasons therefor. If within thirty days after the Secretary of State has mailed the said notice they have not amended it so as to meet the approval of the Governor, the Secretary of State shall return the fee to the applicants, less the sum of three dollars, which shall be paid into the State Treasury for "charters examined, disallowed and filed." The powers specified in the charter shall, by the approval of the charter, be vested in the corporation and it shall go into operation without further formalities.

§ 5469. Board of directors.

Each corporation formed hereunder shall have a board of directors, and the powers of the corporation shall be vested in and exercised by such board of directors. The directors of the corporation elected to succeed those named in its certificate of incorporation, as well as the directors elected to succeed those presently serving as directors of corporations previously formed hereunder, shall be elected annually by the members entitled to vote as follows: One-third to be elected for a term of one (1) year, one-third for a term of two (2) years and one-third for a term of three (3) years. Thereafter, all directors shall be elected for a term of three (3) years. The directors must be members and shall not be entitled to compensation for their services

as directors but shall be entitled to reimbursement for expenses incurred by them in the performance of their duties. The board shall elect annually from its own number a president and a vice-president.

§ 5470. Powers of board.

The board shall have power to do all things necessary or convenient in conducting the business of a corporation, including, but not limited to:

(1) The power to adopt and amend by-laws for the management and regulation of the affairs of the corporation. The by-laws of a corporation may make provisions, not inconsistent with law or its certificate of incorporation, regulating the admission, withdrawal, suspension or expulsion of members; the transfer of membership, the fees and dues of members and the termination of memberships on nonpayment of dues or otherwise; the numbers, times and manner of choosing, qualifications, terms of office, official designations, powers, duties and compensation of its officers; defining a vacancy in the board or in any office and the manner of filling it; the number of members to constitute a quorum at meetings, the date of the annual meeting and the giving of notice thereof and the holding of special meetings and the giving of notice thereof; the terms and conditions upon which the corporation is to render service to its members, the disposition of the revenues and receipts of the corporation; regular and special meetings of the board and the giving of notice thereof; and such other matters as the board may deem appropriate or desirable.

(2) To appoint agents and employees and to fix their compensation and the compensation of the officers of the corporation.

(3) To execute all instruments.

(4) To delegate to one or more of the directors or to the officers, agents and employees of a corporation such powers and duties as it may deem proper.

(5) To make its own rules and regulations as to its procedure.

(6) To select an executive committee the members of which shall be users of energy supplied by the corporation, and a majority of said members shall be members of the board of directors, and to delegate to said committee any or all of the powers granted to the board of directors in this Act except that the board shall not delegate its powers to adopt and amend by-laws for the management and regulation of the affairs of the corporation.

§ 5471. Certificate of membership—voting.

A corporation may issue to its members certificates of membership in such form as the by-laws may prescribe. Each member shall be entitled to only one vote on each matter submitted to a vote at the meetings of the members of the corporation, but voting by proxy or by mail may be provided for in the by-laws.

§ 5472. Corporate purposes.

Except as hereinafter provided, the corporate purpose of each corporation formed hereunder shall be to render service to its members only. Any person may become and remain a member if such person shall use energy supplied by such corporation and shall comply with the terms and conditions in respect to membership contained in the by-laws of such corporation, which terms and conditions shall be nondiscriminatory. Any person who shall agree to use energy supplied by the corporation from an existing line or from a line the construction of which has been

authorized or commenced by the corporation may be admitted to membership in the corporation prior to such use upon complying with the other terms and conditions with respect to membership contained in the certificate of incorporation or in the by-laws. The membership fee of the corporation shall be fixed by the board of directors. Should the corporation acquire any electric facilities already dedicated or devoted to the public use it may, for the purpose of continuing existing service and avoiding hardship, continue to serve the persons served directly from such facilities at the times of such acquisition without requiring that such persons become members. In no event shall the number of such nonmembers served exceed forty-nine (49%) per centum of the total number of persons served by the corporation. Such nonmember customers shall have the right to become members upon nondiscriminatory terms. The rates to such nonmembers shall be on a cost basis and may exceed the rates to members by only such amounts as may be necessary to meet the full actual cost of service to such nonmembers.

§ 5473. General grant of powers.

Each corporation formed under this Act is hereby vested with all power necessary or requisite for the accomplishment of its corporate purpose; and no enumeration of particular powers hereby granted shall be construed to impair any general grant of power herein contained, nor to limit any such grant to a power or powers of the same class or classes as those so enumerated.

§ 5474. Enumeration of powers.

A corporation created under the provisions of this Act shall have power to do any and all acts or things necessary or convenient for carrying out the purposes for which it was formed, including, but not limited to:

(1) To sue and be sued.

(2) To have a seal and alter the same at pleasure.

(3) To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or property or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine.

(4) To render service and to acquire, own, operate, maintain and improve a system or systems within the State and in counties adjacent thereto.

(5) To pledge all or any part of its revenues and to mortgage or otherwise incumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its bonds or other obligations.

(6) To use any right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of a system, granted by the State or any political subdivision thereof, provided that the governing body of such political subdivision shall consent to such use; and to have and exercise the power of eminent domain in the manner provided by the condemnation laws of this State for acquiring private property for public use, such right to be paramount except as to the property of the State or any political subdivision thereof.

(7) To accept gifts or grants of money, property, real or personal, from any person, municipality or Federal agency and to accept voluntary and uncompensated services.

(8) To make any and all contracts necessary or convenient for the full exercise of the powers in this Act granted including, but not limited to, contracts with any person, Federal agency or municipality for the purchase or sale of energy and/or the acquisition of all or any part of any system, and in connection with any such contract to stipulate and agree to such covenants, terms and conditions as the board may deem appropriate, including covenants, terms and conditions with respect to the resale rates, financial and accounting methods, services, operation and maintenance practices and the manner of disposing of the revenues of the system operated and maintained by the corporation.

(9) To sell, lease, or otherwise dispose of all or any part of its property, subject however to the provisions of Section 14 [§ 5476, infra] of this Act as amended.

(10) To contract debts, borrow money and to issue, assume or indorse the payment of bonds or other evidences of indebtedness.

(11) To fix, maintain and collect fees, rents, tolls and other charges for services rendered.

(12) To acquire and to sell, lease, distribute and generally to deal in electrical and plumbing appliances, apparatus, machinery and equipment for the purposes of and in connection with the promotion of the sale of electric energy to its customers; to assist its customers to purchase or otherwise obtain such appliances, apparatus, machinery and equipment; to assist its customers to wire their premises and to install therein such appliances, apparatus, machinery and equipment; to acquire and to indorse, sell, pledge, hypothecate and dispose of notes, bonds and other obligations of its customers in carrying out the purposes expressed in this paragraph.

(13) To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents and employees, or by contracts with any person, Federal agency or municipality.

(14) To condemn any land, easements, or rights of way, either on, under, or above the ground, as the association may deem necessary for any purposes mentioned in this Act, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by corporations, associations or persons having the power of eminent domain, or otherwise held or used for public purposes, and such power of condemnation may be exercised in the mode or method of procedure prescribed by Chapter 26, Code of Mississippi of 1930 [Title 12, ch. 3, Code of 1942], or in the mode or method of procedure prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain; provided, however, that where condemnation proceedings become necessary, the judge of the circuit court or the judge of the county court in counties where the county court exists, in which such proceedings are filed, shall, upon application of the authority, and upon the deposit in court, to the use of the person or persons lawfully entitled thereto, of such amount as the judge may deem necessary to assure just compensation, order that the right of possession shall issue immediately or as soon and upon such terms as the judge, in his discretion, may deem just and proper. Upon application of the parties in interest other than the association, the judge may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceedings.

§ 5475. Operations outside of state.

To the extent necessary in the judgment of the board to make effective the powers conferred by this Act, the corporation shall have power to acquire, own, operate, maintain, and/or improve a generating and/or transmission system or systems outside the State of Mississippi.

§ 5476. Sale of property.

No corporation may sell, mortgage, lease or otherwise incumber or dispose of any of its property (other than (1) property which, in the judgment of the board, is neither necessary nor useful in operating and maintaining the corporation's system and which in any one year shall not exceed ten per centum in value of all the property of the corporation, or (2) merchandise), unless authorized so to do by the votes of at least a majority of its members. During the first year of the existence of a corporation its property shall not be sold or leased, wholly or in part, unless the sale or lease shall be authorized not only by a majority of its members but also by a majority of all persons who have signed customers' survey forms or otherwise signified in writing their intention to become members of the corporation. All such persons shall be deemed to have a beneficial interest in the affairs of the corporation in so far as the sale or lease of the property of the corporation is concerned and the members of the board are hereby declared to be the trustees of such persons with respect thereto.

§ 5477. Issuance of bonds.

A corporation formed hereunder shall have power and is hereby authorized, from time to time, to issue its bonds for any corporate purpose. Said bonds may be authorized by resolution or resolutions of the board, and may bear such date or dates, mature at such time or times, not exceeding

forty years from their respective dates, bear interest at such rate or rates not exceeding six per centum per annum, payable semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption not exceeding par and accrued interest, as such resolution or resolutions may provide. Such bonds may be issued for money or property at public or private sale, for such price or prices as the board shall determine, provided that the interest cost to maturity of the property (at its value as determined by such board, the determination of which shall be conclusive), or money received for any issue of said bonds, shall not exceed six per centum per annum, payable semi-annually. Pending the preparation or execution of definite bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser of said bonds. Any provision of law to the contrary notwithstanding, any bonds and the interest coupons appertaining thereto, if any, issued pursuant to this Act shall possess all of the qualities of negotiable instruments.

§ 5478. Covenants or agreements for security of bonds.

In connection with the issuance of any bonds, a corporation may make covenants or agreements and do any and all acts or things that a business corporation can make or do under the laws of the State in order to secure its obligations notwithstanding any restrictions contained in Section 14 hereof [§ 5476, supra].

§ 5479. Purchase and cancellation of bonds.

A corporation shall have power out of any funds available therefor to purchase any bonds issued by it at a price

not exceeding the principal amount thereof and accrued interest thereon. All bonds so purchased shall be canceled.

§ 5480. Consolidation.

Any two or more corporations created under the provisions of this Act may enter into an agreement for the consolidation of such corporations. Such agreement shall set forth the terms and conditions of the consolidation, the name of the proposed consolidated corporation, the number of its directors, not less than three, the time of the annual meeting and election and the name of at least three persons to be directors until the first annual meeting. If such agreement is approved by the votes of a majority of the members of each corporation, the directors named in the agreement shall subscribe and acknowledge a certificate conforming substantially to the original certificates of incorporation, except that it shall be entitled and indorsed "certificate of consolidation ....." (the blank space being filled in with the names of the corporations being consolidated) and shall state:

(1) The names of the corporations being consolidated.

(2) The name of the consolidated corporation.

(3) The other items required or permitted to be stated in an original certificate of incorporation. Such certificate of consolidation and a certified copy or copies thereof shall be filed in the same places and approved by the same officers as an original certificate of incorporation and thereupon the proposed consolidated corporation, under its designated name, shall be and constitute a body corporate with all the powers of a corporation as originally formed hereunder.

§ 5481. Rates.

A corporation formed hereunder shall have power to charge reasonable fees, rents, tolls, prices and other charges for service rendered which shall be sufficient at all times to pay all operating and maintenance expenses necessary or desirable for the prudent conduct and operation of its business and the principal of an interest on such obligations as the corporation may have issued and/or assumed in the performance of the purpose for which it was formed and the revenues and receipts of a corporation shall first be devoted to such operating and maintenance expenses and to the payment of such principal and interest and thereafter to such reserves for improvement, new construction, depreciation and contingencies as the board may from time to time prescribe. Revenues and receipts not needed for these purposes shall be returned to the members, by the reimbursement of membership fees, or by way of general rate reductions, as the board may decide.

§ 5482. Dissolution.

Any corporation created hereunder may be dissolved by filing, as hereinafter provided, a certificate which shall be entitled and indorsed "certificate of dissolution of ....." (the blank space being filled in with the name of the corporation) and shall state:

(1) Name of the corporation and, if such corporation is a corporation resulting from a consolidation as herein provided, the names of the original corporations.

(2) The date of filing of the certificate of incorporation, and, if such corporation resulting from a consolidation as herein provided, the dates on which the certificates of incorporation of the original corporations were filed.

(3) That the corporation elects to dissolve.

(4) The name and post-office address of each of its directors, and the name, title and post-office address of each of and the name, title and post-office address of each of its officers.

Such certificate shall be subscribed and acknowledged in the same manner as an original certificate of incorporation by the president or vice-president and the secretary or an assistant secretary, who shall make and annex an affidavit stating that they have been authorized to execute and file such certificate by the votes cast in person or by mail by a majority of the members of the corporation entitled to vote.

A certificate of dissolution and a certified copy or copies thereof shall be filed in the same places as an original certificate of incorporation and thereupon the corporation shall be deemed to be dissolved.

Such corporation shall continue for the purpose of paying, satisfying and discharging any existing liabilities or obligations and collecting or liquidating its assets, and doing all other acts required to adjust and wind up its business and affairs, and may sue and be sued in its corporate name. Any assets remaining after all liabilities or obligations of the corporation have been satisfied or discharged shall be ratably distributed to the members thereof.

§ 5483. Amendment of certificate of incorporation.

A corporation created hereunder may amend its certificate of incorporation to change its corporate name, to increase or reduce the number of its directors or change any other provisions therein; provided, however, that no corporation shall amend its certificate of incorporation to embody therein any purpose, power or provision which would not be authorized if its original certificate including

such additional or changed purpose, power or provision were offered for filing at the time a certificate under this section is offered. Such amendment may be accomplished by filing a certificate which shall be entitled and indorsed "certificate of amendment of certificate of incorporation of ..... electric power association," and state:

(1) The name of the corporation, and if it has been changed the name under which it was originally incorporated.

(2) The date of filing the certificate of incorporation in each public office where filed.

(3) The purposes, powers or provisions, if any, to be amended or eliminated and the purposes, powers, or provisions, if any, to be added or substituted. Such certificate shall be subscribed in the same manner as a original certificate of incorporation hereunder by the president or a vice-president and by the secretary or an assistant secretary who shall make [and] annex an affidavit stating that they have been authorized to execute and file such certificate by the votes cast in person or by mail by a majority of the members of the corporation entitled to vote. Such certificate shall be filed in the same places and approved by the same officers as an original certificate of incorporation and thereupon the amendment shall be deemed to have been effected.

§ 5484. Moneys of corporations.

All moneys of a corporation from whatever source derived, shall be deposited in one or more banks or trust companies, and, if the corporation shall so require, each of such accounts shall be continuously secured by a pledge of direct obligations of the United States of America or of the State of Mississippi having an aggregate market value,

exclusive of accrued interest, at all times at least equal to the balance on deposit in such account or accounts.

Such securities shall either be deposited with the corporation or held by a trustee or agent satisfactory to the corporation. In lieu of any such pledge or such securities, said deposits may be secured by a surety bond or bonds which shall be in form, sufficiency and substance satisfactory to the corporation.

§ 5485. Chartering existing corporations under this Act.

Any existing corporations under the laws of the State of Mississippi organized for the same general purposes as the corporations provided for by this Act may be chartered hereunder by filing with the Secretary of State a certificate, approved by a majority of the board of the corporation, signed by the duly authorized officer or officers thereof, and acknowledged by the subscribers before any officer authorized to take acknowledgments to deeds or other instruments. Such certificate shall set forth the information required under Section 4 hereof [§ 5466, supra] for corporations organizing under this Act, shall declare the intention of the corporation to operate under this Act, and shall be filed in the office of the Secretary of State, who shall forthwith cause this certificate to be handled in the manner prescribed in Section 6 hereof [§ 5468, supra] for original certificates of incorporation. The corporation under its existing name shall thereupon have all powers and duties set forth in this Act, but shall relinquish the powers under its former charter; and no debt or other obligation, of or to the corporation, incurred prior to reincorporation under this section, shall be affected thereby. Any act, contract, or covenant heretofore done, made, entered into or performed by any corporation organized under any other Act but reincorporating hereunder, is hereby ex-

pressly validated if such act, contract, or covenant would have been valid if done, made, entered into or performed under the terms hereof.

§ 5486. Taxation of corporations.

All corporations and their property shall be liable for taxes and taxed and assessed in the same manner and to the same extent as privately owned utilities.

§ 5487. Construction of Act.

This Act is to be liberally construed and the enumeration of any object, power, manner, method or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things.

§ 5488. Separability of provisions.

If any provision of this Act, or the application of such provision to any person, body, or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons, bodies, or circumstances, other than those as to which it shall have been held invalid, shall not be affected thereby.

§ 5489. Act complete in itself.

This Act is complete in itself and shall be controlling. The provisions of any other law, general, special or local, except as provided in this Act, shall not limit or restrict the powers of any corporation formed under this Act.

APPENDIX 2

Sections 26 and 27, Chapter 372, Mississippi Laws of 1956 (Sections 7716-26 and 7716-27, Volume 6, Recompiled, Mississippi Code of 1942)

§ 7716-26. Review.

(a) In addition to other remedies now available at law or in equity any party aggrieved by any final finding, order, or judgment of the commission, shall have the right, regardless of the amount involved, of appeal to the Chancery Court, First Judicial District of Hinds County, Mississippi. If an application for rehearing has been filed, an appeal must be filed within thirty (30) days after the application for rehearing has been refused or deemed refused because of the commission's failure to act thereon within the time specified in the preceding section or, if the application is granted, within thirty (30) days after the rendition of the decision on rehearing. If an application for rehearing has not been filed, an appeal must be filed within thirty (30) days after the entry of the commission's order. Every appeal shall state briefly the nature of the proceedings before the commission, and shall specify the order complained of. Any person whose rights may be directly affected by said appeal may appear and become a party, or the court may upon proper notice order any person to be joined as a party.

(b) Upon the filing of an appeal the clerk of the chancery court shall serve notice thereof upon the commission, whereupon the commission shall, within sixty (60) days (or within such additional time as the court may for cause allow) from the service of such notice, certify to the chancery court the record in the case, which record shall include a transcript of all testimony, together with all exhibits or copies thereof, all pleadings, proceedings, orders,

findings and opinions entered in the case; provided however, that the parties and the commission may stipulate that a specified portion only of the record shall be certified to the court as the record on appeal.

(c) No new or additional evidence shall be introduced in the chancery court but the case shall be determined upon the record and evidence transferred.

(d) The court may hear and dispose of the appeal in term time or vacation and the court may sustain or dismiss the appeal, modify or vacate the order complained of in whole or in part, as the case may be; but in case the order is wholly or partly vacated the court may also, in its discretion, remand the matter to the commission for such further proceedings, not inconsistent with the court's order as, in the opinion of the court, justice may require. The order shall not be vacated or set aside either in whole or in part, except for errors of law, unless the court finds that the order of the commission is not supported by substantial evidence, is contrary to the manifest weight of the evidence, is in excess of the statutory authority or jurisdiction of the commission, or violates constitutional rights.

§ 7716-27. Stay of orders.

The pendency of proceedings to review shall not of itself stay or suspend the operation of the order of the commission, except in the case of a rate order where the utility has put rates into effect under bond as provided in section 10 [§ 7716-10]. However, any party may, as a matter of right, secure from the court in which a review of or appeal from the order of the commission is sought an order suspending or staying the operation of the order of the commission pending a review of such order, by adequately securing the other parties against loss due to the delay in the enforcement of the order in case the order

under review is affirmed, the security to be in such form and amount as shall be directed by the court granting the stay or suspension.

If an appeal be taken from an order of the commission reducing existing rates or refusing to approve rates proposed by a utility, the court, in suspending the order of the commission, shall permit the utility to continue the existing rates in effect or to place the proposed rates in effect, pending final determination of the appeal, upon filing with the court a bond in a reasonable amount approved by the court, with sureties approved by the court, conditioned upon the refund, with lawful interest, to the parties entitled thereto, of the amount of the excess if the existing rate or rates or the rate or rates so put into effect are finally determined to be excessive; or the court may, if a utility has put rates into effect under bond as provided in section 10 [§ 7716-10] of the act, require the utility to file a bond conditioned as herein provided for such additional amount as the court deems proper.